

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:	§	
	§	CASE NO. 10-93904-BHL-11
EASTERN LIVESTOCK CO., LLC,	§	
	§	CHAPTER 11
Debtor.	§	

**MOTION FOR EXPEDITED HEARING ON MOTION OF CACTUS GROWERS, INC.,
FRIONA INDUSTRIES, L.P. AND J&F OKLAHOMA HOLDINGS FOR PROTECTIVE
ORDER FROM §2004 EXAMINATION REQUEST**

COMES NOW Cactus Growers, Inc., Friona Industries, L.P. and J&F Oklahoma Holdings, parties in interest in this case, by their undersigned attorneys, and in support of this Motion state as follows:

I.

BACKGROUND

1. Counsel for the Feedyards have had numerous discussions and emails with counsel for First Bank (and some with counsel for Intrust) in an attempt to reach an agreement on the documents and information to be produced pursuant to First Bank's Motion for §2004 Examination. At several points, including the week of March 28, 2011, after the Feedyards' Response and Brief was filed (*Eastern Livestock* Docket No. 418; *Gibson* Docket No. 221), counsel for the Feedyards thought that an agreement on the §2004 examination request was close to being reached. At this point, however, the Feedyards are not certain whether any agreement on anything can be reached with First Bank. What the Feedyards have agreed to produce is set out as Exhibit A to the Feedyards' response and brief, *Eastern Livestock* Docket No. 418-1, and *Gibson* Docket No. 221-1, which response and brief is hereby incorporated by reference.

2. The Feedyards did not previously file a motion for protective order, because negotiations at several points in time were close to reaching an agreement on First Bank's Motion for §2004 Exam. The Feedyards' motion for protective order is a part of the discovery decision to be decided by the Court, when it rules upon First Bank's Motion for §2004 Examination. First Bank's Motion for §2004 Examination and the Feedyards' Motion for Protective Order should be considered simultaneously.

3. Parties with an interest in the Motion for §2004 exam are the same parties with an interest in the Feedyards' Motion for Protection. Setting the Feedyards' Motion for Protective Order will not surprise or inconvenience any party.

4. The Court has scheduled hearings in this case for April 15, 2011, including the Motion for Examination Under Fed. R. Bankr. P. §2004 and Production of Documents, filed by The First Bank and Trust Company.

5. The undersigned was advised by the Court's staff that the Court has also scheduled hearings in conjunction with a related case to this case in *In re: Eastern Livestock Co., LLC* ("Bankruptcy Case No. 10-93904-BHL-11"), with these hearings currently scheduled for April 15, 2011 at 8:30 a.m., EST.

6. Additionally, the Court has scheduled an Expedited Hearing in conjunction with a related case to this case in *East-West Trucking Co., LLC* ("Bankruptcy Case No. 10-93799-BHL-7"), with that hearing currently scheduled for April 15, 2011 at 8:30 p.m., EST.

WHEREFORE, Cactus Growers, Inc., Friona Industries, L.P. and J&F Oklahoma Holdings request that the Court enter an Order scheduling the Feedyards' Motion for Protective Order for expedited hearing on April 15, 2011 to be heard concurrently with First Bank's Motion for §2004

Examination in *Eastern Livestock Company, LLC's* bankruptcy case. The Feedyards further pray for the approval of the relief requested in the Feedyards' motion, and for such other relief as is just and proper.

DATED this 11th day of April, 2011.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On April 11, 2011, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court - Bankruptcy Court, Southern District of Indiana, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ John Lovell
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